

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
09-CR-122

WILLIAM HOLLEY,
Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1). On May 14, 2010, defendant filed a motion to dismiss. On July 23, 2010, Magistrate Judge Schroeder filed a Report and Recommendation, recommending that defendant's motion to dismiss be denied.

Plaintiff filed objections to the Report and Recommendation on August 3, 2010 and the government filed a response thereto. Oral argument on the objections was held on October 14, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report and Recommendation, defendant's motion to dismiss is denied.

The parties shall appear for a status conference to set a trial date on November 9, 2010 at 9:00 a.m.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: November 8, 2010